

EXHIBIT P

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

National Football League and
NFL Properties LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

Civ. Action No. 14-00029-AB

**DECLARATION OF RICHARD LEWIS IN SUPPORT OF CO-LEAD CLASS
COUNSEL'S PETITION FOR AN AWARD OF ATTORNEY'S FEES AND
REIMBURSEMENT OF COSTS AND EXPENSES**

I, Richard Lewis, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am a partner in the law firm of Hausfeld LLP. I submit this declaration in support of Co-Lead Class Counsel's Petition for an Award of Attorneys' Fees and Reimbursement of Costs and Expenses in connection with and for services rendered and expenses incurred for the common benefit of the Settlement Class in the above-captioned multidistrict litigation ("Action") from the inception of the litigation through July 15, 2016, as well as for the payment of expenses incurred therewith. I have personal knowledge of the

matters set forth in this declaration and, if called upon, I could and would testify competently thereto.

2. Hausfeld Partners Richard Lewis and Michael D. Hausfeld served as members of the Court-appointed Plaintiffs' Executive Committee ("PEC") and as such performed management and organizational tasks as members of the PEC, including regular participation in case management conference calls and meetings, Court status conferences, meeting and conferring with Defendants, drafting and editing case management orders, and carrying out other management tasks at the direction of Co-Lead Counsel. At the direction of Co-Lead Counsel, Mr. Lewis also conducted legal and management work important to this litigation, including but not limited to: conducting factual and legal research in preparation for, and drafting of, the Master Administrative Personal Injury and Medical Monitoring Class Action Complaints; serving as a member of the Plaintiff Steering Committee's Legal Committee and conducting key legal research on issues such as federal preemption, federal jurisdiction, and medical monitoring; drafting and editing briefs and related filings; working with medical experts related to medical monitoring; and resolving duplicative complaint filings by law firms; among other tasks.

Hausfeld Associate Jeannine M. Kenney carried out the litigation's administrative and organizational tasks as the Court-appointed Plaintiffs' Liaison Counsel, at the direction of Co-Lead Counsel, including, but not limited to: assisting Co-Lead Counsel in organizing calls of the PEC and PSC; tracking and distributing case filings to counsel; responding to plaintiffs' counsels' procedural questions; organizing calls with defense counsel and participating in meet and confers; preparing stipulations and drafting and editing proposed court orders, such as case management orders, the time and expense protocol, orders related to short-form complaints and direct filing of complaints; and filing case documents with the Court, among others. Ms. Kenney

and associate Swathi Bojedla also performed substantive legal work, including conducting legal research and drafting legal memos.

3. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the amount of common benefit time spent by the attorneys and professional support staff of my firm who were involved in, and billed hours to, this Action, and the lodestar calculation for those individuals based on my firm's current billing rates. For personnel who are no longer employed by my firm, the lodestar calculation is based on the billing rates of such personnel in their final year of employment by my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. Time expended in preparing this application for attorney's fees and expenses has been excluded.

4. The hourly rates for the attorneys and professional support staff of my firm included in Exhibit 1 are the same as the regular rates charged for their services in other contingent matters. Other federal courts have approved these rates in other comparable class actions prosecuted by my firm. For example, the courts in the following actions granted fee petitions approving Hausfeld's billing rates: *In re Processed Egg Products Antitrust Litigation*, No. 08-md-2002, 2012 WL 5467530, at *6 (E.D. Pa. Nov. 9, 2012) (awarding fees based upon firm declaration noting rates ranging from \$200-340 for associates and \$470-950 for partners (ECF No. 735-17) and finding fees to be reasonable); *In re Vitamin C Antitrust Litigation*, No. 06-md-1738, 2013 WL 6858853, at *1-4 (E.D.N.Y. Dec. 30, 2013) (finding rates from a low of \$375 for associates to \$980 for partners to be reasonable). Additionally, my firm has submitted fee petitions in other cases that reported hourly rates comparable to those sought herein and courts have approved award of fees in such cases. Examples include: Order Approving Fee Award, *In re Air Cargo Shipping Services Antitrust Litigation*, No. 06-md-1775, (E.D.N.Y. Oct.

25, 2016) (ECF No. 1732) (approving fee award based on firm declaration (ECF No. 2472-3) noting rates ranging from \$320-340 for support staff, \$340-500 for associates, and \$510-995 for partners); Order approving fee award, *In re Municipal Derivatives Antitrust Litigation*, No. 08-cv-2516 (S.D.N.Y. Nov. 5, 2012) (ECF No. 1724) (approving fee award based on firm declaration (ECF No. 1722 at 7) noting rates ranging from \$130 to \$975); Order approving fee award, *In re Flat Glass Antitrust Litigation II*, No. 08-mc-180 (W.D. Pa. May 15, 2011) (ECF No. 291) (approving fee award based on firm declaration (ECF No. 275-3 at 7) noting rates from \$230-275 for support staff, \$200-340 for associates, and \$470-950 for partners); among others.

5. The total number of hours expended on the common benefit of this Action by timekeepers in my firm billing more than 50 hours to this Action during the time period is 1,281.80 hours. The total lodestar for my firm for those hours is \$763,917.50, consisting of \$699,557.50 for attorneys' time and \$64,360.00 for paralegal and law clerk staff time.

6. My firm's lodestar figures are based solely upon my firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

7. As detailed in Exhibit 2 hereto, my firm is seeking reimbursement of a total of \$165,468.47 in common benefit expenses incurred in connection with the prosecution of this Action. These expenses are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source material, and are an accurate record of the expenses incurred.

8. With respect to the standing of my firm to share in an award of fees, costs, and expenses, attached hereto as Exhibit 3 is a biography of my firm, including the attorneys in my firm who were principally involved in this Action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 28, 2016, at Washington, D.C.


Richard Lewis, Esq.

EXHIBIT 1

**IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY
LITIGATION**

No. 12-md-2323-AB

HAUSFELD LLP

LODESTAR REPORT

Inception through July 15, 2016

NAME	HOURS	HOURLY RATE	AMOUNT
PARTNERS:			
Richard S. Lewis	422.80	\$920.00	\$388,976.00
Michael D. Hausfeld	31.30	\$995.00	\$31,143.50
Subtotals:	454.10		\$420,119.50
ASSOCIATES:			
Jeannine M. Kenney	464.90	\$450.00	\$209,205.00
Swathi J. Bojedla	171.30	\$410.00	\$70,233.00
Subtotals:	636.20		\$279,438.00
LAW CLERKS:			
Joshua Jowers	50.00	\$325.00	\$16,250.00
Subtotals:	50.00		\$16,250.00
PARALEGALS:			
James Mitchell	141.50	\$340.00	\$48,110.00
Subtotals:	141.50		\$48,110.00
TOTALS:	1,281.8		\$763,917.50

EXHIBIT 2

**IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY
LITIGATION**

No. 12-md-2323-AB

HAUSFELD LLP

COST AND EXPENSE REPORT

Inception through July 15, 2016

NUMBER	CATEGORY	AMOUNT
1	Assessments	\$150,000.00
2	Commercial Copies	\$0.00
3	Computerized Research	\$4,513.54
4	Court Reporters/Transcripts	\$0.00
5	Expert Services	\$2,125.00
6	Facsimile	\$0.00
7	Filing & Service Fees	\$350
8	In-House Copies	\$1,083.69
9	Long Distance Telephone	\$810.28
10	Postage/Express Delivery	\$236.98
11	Travel/Meals/Lodging	\$6,145.98
12	Miscellaneous ¹	\$203.00
TOTAL EXPENSES		\$165,468.47

¹ Includes Plaintiffs' Liaison Counsel supplies for submission of short form complaint copies to the Court (\$53.00) and the fee for attendance at John Hopkins University Brain Injury Seminars by Rich Lewis for Expert/Science Committee work tasks (\$150.00).

EXHIBIT 3

HAUSFELD



BERLIN BOSTON BRUSSELS LONDON NEW YORK PHILADELPHIA SAN FRANCISCO WASHINGTON, DC

www.hausfeld.com

Hausfeld: Global Litigation Solutions Firm Resume

HAUSFELD

Hausfeld is “the world’s leading antitrust litigation firm.”

– Politico

Hausfeld Firm Summary

In the last decade, Hausfeld attorneys have won landmark trials, negotiated complex settlements among dozens of defendants, and recovered billions of dollars in cartel recoveries for clients both in and out of court. Renowned for skillful prosecution and resolution of complex and class-action litigation, Hausfeld is the only claimants’ firm to be ranked in the top tier in private enforcement of antitrust/competition law in both the United States and the United Kingdom by the Legal 500.

From our locations in Washington, D.C., New York, Philadelphia, San Francisco, Berlin, Brussels, and London, Hausfeld contributes to the development of law in the United States and abroad in the areas of antitrust/competition, consumer protection, environmental threats, human and civil rights, mass torts, and securities fraud. Hausfeld attorneys have studied the global integration of markets—and responded with innovative legal theories and a creative approach to claims in developed and emerging markets.

Hausfeld was founded by Michael D. Hausfeld, who is widely recognized as one of the country’s top civil litigators and a leading expert in the fields of private antitrust/competition enforcement and international human rights. The New York Times has described Mr. Hausfeld as one of the nation’s “most prominent antitrust lawyers,” while Washingtonian Magazine characterizes him as a lawyer who is “determined to change the world—and succeeding,” noting that he “consistently brings in the biggest judgments in the history of law.”

Antitrust and Competition Litigation

Hausfeld’s reputation for leading groundbreaking antitrust class actions in the United States is well-earned. Having helmed more than thirty antitrust class actions, Hausfeld attorneys are prepared to **litigate and manage cases with dozens of defendants** (*In re Blue Cross Blue Shield Antitrust Litigation*, with more than thirty defendants), **negotiate favorable settlements for class members and clients** (*In re Air Cargo Shipping Services Antitrust Litigation*, settlements of more than \$1.2 billion), take on the financial services industry (*In re Foreign Exchange Antitrust Litigation*, with settlements of more than \$2 billion), **take cartels to trial** (*In re Vitamin C Antitrust Litigation*, trial victory of \$162 million against Chinese manufacturers of vitamin C), and **push legal boundaries where others have not** (*In re NCAA Antitrust Litigation*, another trial victory in which the court found the NCAA rules prohibiting payment of players to be unlawful).

Consumer Protection Litigation

Hausfeld also pursues consumer protection, defective product, and Lanham Act cases on behalf of a variety of litigants including consumers, entertainers, financial institutions, and other businesses. For example, we obtained class-wide settlements for purchasers of **defective Acer laptops** (*Wolph v. Acer America Corp.*) and **victims of unfair and deceptive practices** (*Radosti v. Envision EMI, LLC* and *In re Tyson Foods, Inc., Chicken Raised Without Antibiotics Consumer Litigation*); and sought compensation for domestic beekeepers and honey packers for **fraudulent mislabeling** of imported honey (*In re Honey Transshipping Litigation*).

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Hausfeld Firm Summary

continued

Financial Services

Hausfeld has been at the forefront of numerous class actions against the financial services industry since 2009, pursuing wrongful conduct that spans the globe. Hausfeld leads two of the largest class actions against the world's biggest banks for manipulation of prices paid in the **Libor** and foreign exchange (**Forex**) markets, in which they obtained **more than \$2 billion in settlements for the class**.

Mass Tort and Environmental Litigation

Hausfeld attorneys have pursued wide-ranging mass tort cases over the last decade. We have represented **homeowners with defective drywall** (*In re Chinese-Manufactured Drywall Products Liability Litig.*), former **football players who suffered from the long-lasting effects of concussions** (*In re National Football League Players' Concussion Injury Litigation*) **mine workers in southern Africa who contracted silicosis** from their workplace environment – the first case of its kind brought in South Africa, and **victims of dangerous prescription drugs and medical devices**, including women whose hormone replacement therapy caused them to suffer from breast cancer (*In re Prempro Products Liability Litigation*), and patients with defective hip replacements (*In re Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation*).

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“Hausfeld stands out for its ability to provide worldwide solutions, leveraging its network of offices across the US and in Europe.”

– The Legal 500 2016

Hausfeld: A Global Reach

Hausfeld’s international reach enables it to advise across multiple jurisdictions and pursue claims on behalf of clients worldwide. Hausfeld works closely with clients to deliver outstanding results, while always addressing their business concerns. Hausfeld does so by anticipating issues, considering innovative strategies, and maximizing the outcome of legal disputes in a way that creates shareholder value. Its inventive cross border solutions work to the benefit of the multinational companies it often represents.

Creative Solutions to Complex Legal Challenges

Hausfeld lawyers consistently apply forward-thinking ideas and creative solutions to the most vexing global legal challenges faced by clients. As a result, the firm’s litigators have developed numerous innovative legal theories that have expanded the quality and availability of legal recourse for claimants around the globe that have a right to seek recovery. Hausfeld’s impact was recently recognized by the *Financial Times*, which awarded Hausfeld the “Most Innovative Law Firm in Dispute Resolution of 2013,” as well as by the *Legal 500* who has ranked Hausfeld as the only top tier claimants firm in private enforcement of antitrust/competition law in both the United States and the United Kingdom. For example, the landmark settlement that Hausfeld negotiated to resolve claims against Parker ITR for antitrust overcharges on marine hose represented the first private resolution of a company’s global cartel liability without any arbitration, mediation, or litigation – creating opportunities never before possible for dispute resolution and providing a new model for global cartel settlements going forward.

Unmatched Global Resources

The firm combines its U.S. offices on both coasts and vibrant European presence with a broad and deep network around the globe to offer clients the ability to seek redress or confront disputes in every corner of the world and across every industry. With over 65 lawyers in offices in Washington, D.C., New York, Philadelphia, San Francisco, Berlin, Brussels, and London, Hausfeld is a “market leader for claimant-side competition litigation.”

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“Hausfeld LLP is ‘one of the most capable plaintiffs’ firms involved in the area of civil cartel enforcement’, is ‘[w]idely recognised as a market leader for claimant-side competition litigation.... [It is the] market leader in terms of quantity of cases, and also the most advanced in terms of tactical thinking.’”

– The Legal 500 2014 and 2015

Antitrust Litigation

Hausfeld’s antitrust litigation experience is unparalleled

Few, if any, U.S. law firms have litigated more class actions on behalf of companies and individuals injured by anticompetitive conduct than Hausfeld. The firm has litigated cases involving price-fixing, price manipulation, monopolization, tying, and bundling, through individual and class representation and has experience across a wide variety of industries, including automotive, banking, chemicals, construction, manufacturing, energy, financial services, food and beverage, health care, mining & metals, pharmaceuticals and life sciences, retail, sports and entertainment, technology, transportation. Clients rely on us for our antitrust expertise and our history of success in the courtroom and at the negotiation table, and the firm does not shy away from challenges, taking on some of the most storied institutions. Hausfeld is not only trusted by its clients, it is trusted by judges to pursue these claims, as evidenced by the fact that the firm has been appointed as lead or co-lead counsel in over 25 antitrust cases in the last decade. In one recent example, Judge Morrison C. England of the Eastern District of California praised Hausfeld for having “the breadth of experience, resources and talent necessary to navigate” cases of import.

Recognizing the firm’s antitrust prowess, *Global Competition Review* has opined that Hausfeld is “one of – if not the – top Plaintiffs’ antitrust firm in the U.S.” *The Legal 500* likewise consistently ranks Hausfeld among the top five firms in the United States for antitrust litigation on behalf of plaintiffs. And in naming Hausfeld to its Plaintiffs’ Hot List for the third year in a row in 2014, *The National Law Journal* opined that Hausfeld “punches above its weight” and “isn’t afraid to take on firms far larger than its size and deliver results, especially in antitrust litigation.”

Hausfeld has achieved outstanding results in antitrust cases

Hausfeld lawyers have achieved precedent-setting legal decisions and historic trial victories, negotiated some of the world’s most complex settlement agreements, and have collectively recovered billions of dollars in settlement and judgments in antitrust cases. Key highlights include:

- ***O’Bannon v. NCAA*, No. 09-cv-03329 (N.D. Cal.)**
Hausfeld serves as lead counsel in this case, which has received considerable press attention and has been hailed as a game-changer for college sports. Following a three-week trial, Hausfeld attained a historic trial victory when the court ruled that the NCAA’s rules prohibiting payments to student-athletes for their names, images, and likenesses violate the antitrust laws. This ruling was upheld by the Ninth Circuit Court of Appeals.
- ***In re Air Cargo Shipping Services Antitrust Litig.*, No. 06-md-1775 (E.D.N.Y.)**
Hausfeld serves as co-lead counsel in this case alleging over thirty international airlines engaged in conspiracy to fix the price of air cargo shipping services. The firm negotiated more than **\$1.2 billion** in settlements from over 30 defendants for the class, won certification of the class and defeated the defendants’ motions for summary judgment.

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Antitrust Litigation

continued

- *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, 13-cv-7789 (S.D.N.Y.)
Hausfeld serves as co-lead counsel in this case alleging financial institutions participated in a conspiracy to manipulate a key benchmark in the foreign exchange market. To date, the firm has obtained over **\$2 billion** in settlements from **nine defendants**. The case is ongoing against the remaining defendants.
- *In re Vitamin C Antitrust Litig.*, No. 06-md-01738 (E.D.N.Y.)
Hausfeld serves as co-lead counsel in the first class antitrust case in the United States against Chinese manufacturers. Hausfeld obtained settlements for the class of **\$22.5 million from two of the defendants** – the first after summary judgment, and the second, just before closing arguments at trial. Days later, the jury reached a verdict against the remaining defendants, and the court entered a judgment for **\$162 million** after trebling the damages awarded.
- *In re International Air Passenger Surcharge Antitrust Litig.*, No. 06-md-01793 (N.D. Cal.)
Hausfeld served as co-lead counsel in this case against two international airlines alleged to have fixed fuel surcharges on flights between the United States and United Kingdom. Lawyers at the firm negotiated a ground-breaking **\$200 million** international settlement that provides recovery for both U.S. purchasers under U.S. antitrust laws and U.K. purchasers under U.K. competition laws.
- *In re LIBOR-Based Financial Instruments Antitrust Litig.*, No. 11-md-2262 (S.D.N.Y.)
Hausfeld serves as co-lead counsel in this case against sixteen of the world's largest financial institutions for conspiring to fix LIBOR, the primary benchmark for short-term interest rates. To date, the firm has obtained **\$120 million** in a settlement with one defendant. The case is ongoing against the remaining defendants.
- *In re Municipal Derivatives Antitrust Litig.*, No. 08-cv-2516 (S.D.N.Y.) Hausfeld serves as co-lead counsel in this case against banks, insurance companies, and brokers accused of rigging bids on derivative instruments purchased by municipalities. The firm has obtained over **\$223 million** in settlements with **11 defendants**.
- *In re Automotive Aftermarket Lighting Products Antitrust Litig.*, No. 09-ML-2007 (C.D. Cal.)
Hausfeld served as co-lead counsel in this case against three manufacturers for participating in an international conspiracy to fix the prices of aftermarket automotive lighting products. The firm obtained over **\$50 million** in settlements.
- *In re Processed Egg Products Antitrust Litig.*, No. 08-cv-04653 (E.D. Pa.)
Hausfeld serves as co-lead counsel in this case alleging that egg producers, through their trade associations, engaged in a scheme to artificially inflate egg prices by agreeing to restrict the supply of both laying hens and eggs. To date, the firm has obtained nearly **\$60 million** in settlements and won certification of a class of shell egg purchasers. The case is ongoing against the remaining defendants.

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Antitrust Litigation

continued

- ***In re Fresh and Process Potatoes Antitrust Litig., No. 10-MD-2186 (D. Idaho)***
Hausfeld serves as chair of the executive committee in this case alleging that potato growers, their cooperatives, processors, and packers conspired to manipulate the price and supply of potatoes. In defeating defendants' motion to dismiss, the firm secured a judicial determination that supply restrictions are not protected conduct under a limited federal antitrust exemption available to certain grower associations—a novel question that had never before been decided by any court. The firm obtained **\$19.5 million** in settlements and valuable injunctive relief prohibiting future production limitation agreements, achieving global resolution of the case.
- ***In re American Express Anti-Steering Rules Antitrust Litig., No. 11-md-2221 (E.D.N.Y)***
As lead counsel, Hausfeld represents a class of merchants and retailers against American Express. The merchants allege that American Express violated antitrust laws by requiring them to accept all American Express cards, and by preventing them from steering their customers to other payment methods.
- ***In re Blue Cross Blue Shield Antitrust Litig., No. 13-mdl-2496 (N.D. Ala.)***
Hausfeld attorneys serve as co-lead counsel and hold court-appointed committee positions in this case against Blue Cross Blue Shield entities, alleging that they illegally agreed not to compete with each other for health insurance subscribers across the United States. Having defeated motions to dismiss, Hausfeld is now marshalling evidence against more than thirty defendants in preparation for summary judgment and trial.
- ***In re Rail Freight Fuel Surcharge Antitrust Litig., No. 07-mc-00489 (D.D.C.)***
Hausfeld is co-lead counsel in this case alleging fuel-surcharge collusion among the nation's largest rail-freight carriers. Leading dozens of firms, Hausfeld mastered the discovery record and obtained class certification in the district court, after which the D.C. Circuit remanded for further consideration of discrete expert issues. This antitrust case is one of the most high-profile class actions in the United States and concerns the claims of some 30,000 shippers, from small businesses to Fortune 500 companies.

eDiscovery Expertise

When 90% of information is created and stored electronically, success in complex litigation requires legal practitioners with the skill and experience to efficiently manage “eDiscovery”—the process of discovering electronically stored information (or “ESI”). Poorly managed, eDiscovery can be expensive, time-consuming and conflict-ridden. Skillfully managed with civility, cooperation and know-how, it offers enormous potential to litigants, lawyers, and the courts for efficient and effective discovery and case management.

Hausfeld attorneys bring their expertise and skills to achieve the latter result. They are at the forefront of eDiscovery, internationally recognized and frequently called upon to educate other attorneys on both sides of the “v.” on sound ESI discovery practices and emerging technologies. They are experienced in all aspects of eDiscovery from the earliest stages of litigation holds and preservation to the cost-efficient management of large and complex electronic document reviews involving tens of millions of documents.

Rather than waiting for problems to arise, Hausfeld attorneys manage eDiscovery from inception to minimize future disputes and reduce costs to the parties and the court. They work cooperatively with opposing counsel to identify and resolve likely eDiscovery issues at the earliest stages and proactively negotiate ESI preservation, disclosure, search, and production protocols that set clear rules of the game going forward.

Leading Hausfeld’s eDiscovery efforts are:

William P. Butterfield, an internationally recognized authority on eDiscovery, was singled out by Who’s Who Legal for his eDiscovery expertise and by Chambers USA and Chambers Global for litigation/eDiscovery.

Mr. Butterfield chairs the Sedona Conference’s Working Group on Electronic Document Retention and Production and is a member of the Conference’s Working Group on International Electronic Information Management, Discovery and Disclosure. He served as editor-in-chief of *The Case for Cooperation* (2009)—the Sedona Conference’s paper promoting cooperation in discovery, and was a co-editor of *The Sedona Conference® Commentary On Preservation, Identification and Management of Sources of Information that are Not Reasonably Accessible* (2008). He teaches eDiscovery at American University’s Washington College of Law, serves on the advisory board for Georgetown University Law Center’s Advanced E-Discovery Institute, and was a contributor to the casebook *Electronic Discovery and Digital Evidence: Cases and Materials*, authored by former federal district court judge Shira Scheindlin.

Megan Jones, a nationally recognized litigator and skilled ESI negotiator, is frequently called upon to lead complex ESI negotiations and to speak at national ESI training events.

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eDiscovery Expertise

continued

Ms. Jones, a member of the Sedona Conference, regularly writes on the topic of e-discovery. She is a co-author of The Sedona Conference's highly regarded *Glossary: E-Discovery and Digital Information Management* (Dec. 2007) as well as its publication, *Navigating the Vendor Proposal Process*. Her commentary has been published in leading trade and legal journals such as *Law Technology News*, *The National Law Journal*, and the *Federal Courts Law Review*. Ms. Jones has testified before the Federal Rules Committee on electronic discovery, participates in high-level legal gatherings such as the invitation-only Duke Law Conference on Implementing Discovery Proportionality Standard, and frequently speaks at leading national ESI conferences, such as the ABA's National E-Discovery Institute and Sedona Conference educational conferences.

Jeannine Kenney, an experienced litigator who works in the eDiscovery trenches daily, has navigated detailed, complex and contentious ESI issues from dispute to resolution.

Ms. Kenney, a member of the Sedona Conference's Working Group on Electronic Document Retention and Production, leads and counsels litigation teams in the negotiation of protocols for the preservation, search, and production of ESI in litigation often involving dozens of defendants, negotiates ESI search terms, technology assisted review (predictive coding) methodologies, and database disclosures and productions, and manages complex document reviews using advanced review analytics to speed discovery. She educates other practitioners on eDiscovery realities, serving as a faculty coach to participants in Georgetown University Law Center's weeklong, intensive eDiscovery Training Academy, and speaking at legal conferences. She co-authored a chapter on technology assisted review to appear in the American Bar Association's book, *Perspectives on Predictive Coding*.

Litigation Achievements

Significant Trial Victories

While many law firms like to talk about litigation experience, Hausfeld lawyers regularly bring cases to trial—and win. Among our trial victories are some of the largest antitrust cases in the modern era. For example, in *O'Bannon v. NCAA (N.D. Cal.)*, we conducted a three-week bench trial before the Chief Judge of the Northern District of California, resulting in a complete victory for college athletes who alleged an illegal agreement among the National Collegiate Athletic Association and its member schools to deny payment to athletes for the commercial licensing of their names, images, and likenesses. Our victory in the O'Bannon litigation followed the successful trial efforts in *Law v. NCAA (D. Kan.)*, a case challenging earning restrictions imposed on assistant college coaches in which the jury awarded **\$67 million** to the class plaintiffs that one of our lawyers represented.

In *In re Vitamin C Antitrust Litigation (E.D.N.Y.)*, we obtained, on behalf of our direct purchaser clients, a **\$162 million jury verdict** against Chinese pharmaceutical companies who fixed prices and controlled export output of Vitamin C—on the heels of \$22.5 million in settlements with other defendants, which represented the first civil settlements with Chinese companies in a U.S. antitrust cartel case. Years earlier, we took on a global vitamin price-fixing cartel in *In re Vitamins (D.D.C.)*, in which we secured a **\$1.1 billion settlement** for a class of vitamin purchasers and then took the remaining defendants to trial, culminating in a **\$148 million jury verdict**.

Our trial experience extends to intellectual property matters and general commercial litigation as well. Recently, we represented entertainment companies that sought to hold internet service provider Cox Communications accountable for willful contributory copyright infringement by ignoring the illegal downloading activity of its users. Following a trial in *BMG Rights Management (US) LLC, v. Cox Enterprises, Inc. (E.D. Va.)*, the jury returned a **\$25 million verdict** for our client.

Exceptional Settlement Results

In less than a decade, Hausfeld has recouped over \$20 billion for clients and the classes they represented. We are proud of our record of successful dispute resolution. Among our settlement achievements, three cases merit special mention. In a case involving allegations of price-fixing among the world's largest airfreight carriers, *In re Air Cargo Shipping Services Antitrust Litigation (E.D.N.Y.)*, we negotiated settlements with more than 30 defendants totaling over \$1.2 billion—all in advance of trial. During the same time period, in *In re Foreign Exchange Benchmark Rates Antitrust Litigation (S.D.N.Y.)*, we negotiated settlements totaling more than \$2 billion with nine banks accused of conspiring to manipulate prices paid in the foreign-exchange market. And in the global *Marine Hose* matter, we broke new ground with the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation. That settlement enabled every one of Parker ITR's non-US marine-hose purchasers to recover up to 16% of their total purchases. These cases are just three among dozens of recent landmark settlements across our practice areas.

Reputation and Leadership in the Antitrust Bar

Court Commendations

Judges across the country have taken note of Hausfeld's experience and results achieved in antitrust litigation.

"As to the quality of the plaintiffs' representation, I really can't say enough. I just think the way this case was handled was as good as it gets... it would be a pleasure to have any of you in front of me again on any case...[t]he representation could not have been any better."

– Judge Brian M. Cogan

In re Vitamin C Antitrust Litigation, No. 06-md-1738 (E.D.N.Y.) (following the jury trial)

Comparing Hausfeld's work through trial to Game of Thrones:

"where individuals with seemingly long odds overcome unthinkable challenges.... For plaintiffs, their trial victory in this adventurous, risky suit, while more than a mere game, is nothing less than a win...."

– Magistrate Judge Nathanael M. Cousin

O'Bannon v. Nat'l College Athletic Ass'n, 09-cv-3329 (N.D. Cal.)

Hausfeld lawyers had achieved "really, an outstanding settlement in which a group of lawyers from two firms coordinated the work . . . and brought an enormous expertise and then experience in dealing with the case." "[Hausfeld lawyers are] more than competent. They are outstanding."

– Judge Charles R. Breyer

In re International Air Passenger Surcharge Antitrust Litig., No. 06-md-01793 (N.D. Cal.)

(approving a ground-breaking \$200 million international settlement that provided recovery for both U.S. purchasers under U.S. antitrust laws and U.K. purchasers under U.K. competition laws.)

Hausfeld has "the breadth of experience, resources and talent necessary to navigate a case of this import." Hausfeld "stands out from the rest."

– District Judge Morrison C. England Jr.

Four In One v. SK Foods, No. 08-cv-3017 (E.D. Cal.)

HAUSFELD

Reputation and Leadership in the Antitrust Bar

continued



Awards and Recognitions

Global Competition Review:

In 2016, Hausfeld was awarded Global Competition Review's "Litigation of the Year – Cartel Prosecution" for its work on *In re Foreign Exchange Antitrust Benchmark Litigation*. The award recognized Hausfeld's success in the Foreign Exchange litigation to date, which has included securing settlements for more than \$2 billion in on behalf of a class of injured foreign exchange investors and overcoming two motions to dismiss in the action.

In 2015, Hausfeld attorneys were awarded *Global Competition Review's* "Litigation of the Year – Non-Cartel Prosecution," which recognized their trial victory in *O'Bannon v. National Collegiate Athletics Association*, a landmark case brought on behalf of college athletes challenging the NCAA's restrictions on payment for commercial licensing of those athletes' names, images, and likenesses in various media.

National Law Journal:

In 2015, Hausfeld was named to the *National Law Journal's* "Plaintiffs Hot List" for the Fourth Year in a Row.

"Hausfeld's creative approaches underpinned key antitrust wins last year, including a trailblazing victory for former college athletes over the use of their likenesses in television broadcasts and video games..." also noting that Hausfeld along with its co-counsel, "nailed down a \$99.5 million settlement with JPMorgan Chase & Co. in January in New York federal court for alleged manipulation of market benchmarks. And it helped land nearly \$440 million in settlements last year, and more than \$900 million thus far, in multidistrict antitrust litigation against air cargo companies."

In 2014, *The National Law Journal* named Hausfeld as one of a select group of America's Elite Trial Lawyers, as determined by "big victories in complex cases that have a wide impact on the law and legal business." The award notes that Hausfeld is among those "doing the most creative and substantial work on the plaintiffs side."

Financial Times:

In 2015, Michael Hausfeld was recognized by the *Financial Times* as one of the Top 10 Innovative Lawyers in North America.

In 2013, Hausfeld won the *Financial Times* Innovative Lawyer Dispute Resolution Award. The FT states that Hausfeld has "[p]ioneered a unique and market-changing litigation funding structure that improved accessibility and enabled victims to pursue actions with little or no risk."

HAUSFELD

Reputation and Leadership in the Antitrust Bar

continued



Chambers & Partners:

In 2015, *Chambers & Partners UK* ranked Hausfeld in the top tier among London firms representing private claimants in competition matters, and recognized the firm's accomplishments in Banking Litigation. Chambers observed that the firm was:

"Synonymous with competition damages claims in the UK thanks to its leading role in developing the market in this area. Adept at handling class-style actions and can co-ordinate proceedings for large groups of claimants across different jurisdictions. Well placed to handle both standalone and follow-on actions."

Chambers and Partners has also ranked Hausfeld's U.S. operations in the top tier nationally for antitrust. The publication noted the firm's attributes as including:

- A reputation as a "[m]arket-leading plaintiffs' firm with considerable experience in antitrust class action suits and criminal cartel investigations."
- "[N]umerous successes in the area resulting in major recovery or settlements for its clients."
- Firm Chair Michael Hausfeld's record as "a very successful and able antitrust litigator" and "one of the titans of the Plaintiffs Bar."



U.S. News & World Report:

In 2015, *U.S. News & World Report – Best Law Firms* named Hausfeld to its top tier in both Antitrust Law and Litigation. Hausfeld was also recognized in New York, San Francisco, and Washington, DC in Antitrust Law, Litigation, and Commercial Litigation.



Legal 500:

In 2016, Hausfeld was ranked for the eighth year in a row to the top tier nationally for firms in civil litigation and class actions and was also ranked nationally for antitrust – cartel work by *The Legal 500*. The Legal 500 has declared:

"Representing large companies, small and medium-sized businesses, as well as individuals, Washington DC firm Hausfeld LLP remains 'top-notch' in antitrust litigation... Hausfeld LLP is 'one of the most capable plaintiffs' firms involved in the area of civil cartel enforcement', and is handling some of the major cartel-related cases..."

The Legal 500 has also recognized that Hausfeld is a "market transformer," the "most innovative firm with respect to antitrust damages," is "[d]riven by excellence," "anticipates the evolving needs of clients," and delivers "outstanding advice not only in legal terms but also with a true entrepreneurial touch'..."

HAUSFELD

Reputation and Leadership in the Antitrust Bar

continued



The American Antitrust Institute

Concurrences

In 2015, Hausfeld Partners Michael Hausfeld, Michael Lehmann and Sathya Gosselin, joined by co-authors Gordon Rausser and Gareth Macartney, were elected the winners of the Concurrences' 2015 Antitrust Writing Awards in the Private Enforcement (Academic) category for their article, *Antitrust Class Proceedings - Then and Now*, Research in Law and Economics, Vol. 26, 2014.

American Antitrust Institute:

In 2015, Hausfeld and fellow trial counsel won the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement in Private Law Practice for their trial and appellate victories in *O'Bannon v. NCAA*.

HAUSFELD

Reputation and Leadership in the Antitrust Bar

continued

Thought Leadership

Hausfeld lawyers do more than litigation. They exercise thought leadership in many fields. Hausfeld lawyers host, lecture at, and participate in leading legal conferences worldwide addressing ground-breaking topics, including: the pursuit of damages actions in the United States and the European Union on behalf of EU and other non-U.S. plaintiffs; nascent private civil enforcement of EU competition laws; application of the FTAIA; the impact of Wal-mart Stores, Inc. v. Dukes and Comcast Corp. v. Behrend on the class certification; reforms to the Federal Civil Rules of Procedure, emerging issues in complex litigation; legal technology and electronic discovery.

Hausfeld attorneys have presented before Congressional subcommittees, regulators, judges, business leaders, in-house counsel, private lawyers, public-interest advocates, elected officials and institutional investors, and hold leadership positions in organizations such as the American Bar Association, the American Antitrust Institute, the Women Antitrust Plaintiffs' Attorney network group, the Sedona Conference and IAALS.

Hausfeld attorneys also regularly organize and facilitate panels and conferences discussing the latest developments and trends in their respective practices and are frequently published in scholarly articles, journals, bulletins and legal treatises. Highlights from these publications and conferences include:

Recent Articles

- Michael D. Hausfeld and Irving Scher, "**Damage Class Actions After Comcast: A View from the Plaintiffs' Side,**" Antitrust Magazine (Spring 2016).
- James J. Pizzirusso, "**Proving Damages in Consumer Class Actions,**" Consumer Protection Committee, Vol. 22/ No. 1, ABA Section of Antitrust Law (Mar. 2016).
- Brent Landau and Gary Smith, "**Bundling Claims Under Section 1 of the Sherman Act: Focusing on Firms' Abilities to Create Anticompetitive Effects in a Market, Rather Than Their Share of It,**" Antitrust Health Care Chronicle, Vol. 28/ No. 1, ABA Section of Antitrust Law (Jan. 2015).
- Michael D. Hausfeld, Gordon C. Rausser, Gareth J. Macartney, Michael P. Lehmann, Sathya S. Gosselin, "**Antitrust Class Proceedings – Then and Now,**" Research in Law and Economics (Vol. 26, 2014) (Recipient of *Concurrences'* 2015 Antitrust Writing Award for Private Enforcement (Academic) Category).
- Brent Landau and Brian Ratner, "**Chapter 39: USA,**" The International Comparative Legal Guide to Cartels & Leniency (Ch. 39, 2014).
- Michael Hausfeld and Brian Ratner, "**Prosecuting Class Actions and Group Litigation – Understanding the Rise of International Class and Collective Action Litigation and How this Leads to Classes that Span International Borders,**" World Class Actions (Ch. 26, 2012)
- Michael Hausfeld and Kristen Ward Broz, "**The Business of American Courts in Kiobel,**" JURIST – Sidebar (Oct. 2012).



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Richard Lewis has been appointed to serve as co-lead counsel in mass tort and product liability class action cases including *In re StarLink Corn Products* (N.D. Ill) (asserting claims by farmers for genetic modification contamination of the U.S. corn supply) and *In re PPA* (asserting claims by users of unsafe over-the-counter medicines). He has also been appointed to the MDL Steering Committee in *In re Prempro Products Liability Litigation*, *In re NFL Players' Concussion Injury Litigation*, *In re Stryker Rejuvenate And ABG II Hip Implant Products Liability Litigation*, *In re Bair Hugger Forced Air Warming Products Liability Litigation*, and in *In re Chinese Manufactured Drywall Products Liability Litigation*. Rich was a member of the Chinese Drywall trial team that obtained a comprehensive remediation and property damages verdict for seven Virginia homeowners. Furthermore, Rich handled various experts in the Daubert briefing and argument; and was successful in excluding significant portions of the defense experts' opinions.

In addition, Rich served or presently serves as lead counsel or class counsel in numerous actions to obtain medical monitoring and property damage relief for communities exposed to toxic chemicals, unsafe working conditions, or unsafe drugs. These include the *In re NFL Concussion Injury Litigation*, *In re NCAA Concussion Litigation*, and *In re Diet Drug Litigation* (Fen-Phen), which resulted in a \$4 billion settlement providing medical monitoring in addition to individual personal injury awards. In addition, these include *Farnum v. Shell*, an oil spill pollution case in Barbados against international oil companies, that resulted in a settlement providing property damage compensation for 26 farmers and landowners, and *Harman v. Lipari*, a Superfund case that resulted in a settlement providing medical monitoring for thousands of residents who lived on or played near a landfill. He has litigated both individual and class childhood lead poisoning cases and is also handling environmental and workplace safety cases in India, and South Africa.

Rich also practices in the environmental health area and presently assists South African counsel in representing a certified class of South African gold miners bringing claims for lung disease against the South African mining industry, as well as residents in Los Angeles and St. Louis bringing claims for methane gas pollution and radiation contamination, respectively.

RICHARD S. LEWIS**EDUCATION**

University of Pennsylvania, J.D., *cum laude*, 1986

University of Michigan, M.P.H., 1981

Tufts University, B.A., *cum laude*, 1976

BAR ADMISSIONS

District of Columbia

AFFILIATIONS & HONORS

Law clerk, post law school, for the Honorable Stanley S. Brotman, U.S. District Court for the District of New Jersey

National Finalist for 2010 Lawdragon 500, an annual guide to the "500 Leading Lawyers in America"

University of Pennsylvania *Law Review*, Comments Editor

NEWS & PRESS

"Manassas Park Woman Sues Drug Company Over Breast Cancer." *The Washington Post* quotes Richard Lewis regarding a suit against Pfizer. January 3, 2010.

Mr. Lewis interviewed in Fox News story on Prempro cancer case. November 26, 2009.

First Chinese drywall class actions filed in Virginia and North Carolina. May 21, 2009.

Comment, "O.C.A.W. v. American Cyanamid: The Shrinking of the Occupational Safety and Health Act," *University of Pennsylvania Law Review* (July 1985)

Mr. Lewis commented in *USA Today*, "Hearing on consolidation of NCAA concussion lawsuits." December 2013.



Michael D. Hausfeld

Chairman

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Michael D. Hausfeld, one of the country's top civil litigators, is the Chairman of Hausfeld.

His career has included some of the largest and most successful class actions in the fields of human rights, discrimination and antitrust law. He has an abiding interest in social reform cases and was among the first lawyers in the U.S. to assert that sexual harassment was a form of discrimination prohibited by Title VII; he successfully tried the first case establishing that principle. He represented Native Alaskans whose lives were affected by the 1989 Exxon Valdez oil spill. Later, he negotiated a then-historic \$176 million settlement from Texaco, Inc. in a racial-bias discrimination case. Most recently, in the landmark *O'Bannon v. NCAA* litigation, Michael represented a class of current and former Division I men's basketball and FBS football players against the NCAA and its member institutions, based on rules foreclosing athletes from receiving compensation for the use of their names, images, and likenesses. At the conclusion of a three-week bench trial, the Court determined that the NCAA had violated the antitrust laws and issued a permanent injunction as requested by the plaintiffs. Immediately following the decision, Michael was named *AmLaw Litigation Daily's* "Litigator of the Week," citing the "consensus among courtroom observers [was] that Michael Hausfeld...got the best of a parade of NCAA witnesses at trial." *Law360* dubbed the trial team led by Michael as "Legal Lions," citing Hausfeld's historic victory over the NCAA.

In *Friedman v. Union Bank of Switzerland*, Michael represented a class of Holocaust victims whose assets were wrongfully retained by private Swiss banks during and after World War II. The case raised novel issues of international banking law and international human rights law. In a separate case, he also successfully represented the Republic of Poland, the Czech Republic, the Republic of Belarus, the Republic of Ukraine and the Russian Federation on issues of slave and forced labor for both Jewish and non-Jewish victims of Nazi persecution. He currently represents Khulumani and other NGOs in a litigation involving the abuses under apartheid law in South Africa.

Michael has a long record of successful litigation in the antitrust field, on behalf of individuals and classes, in cases involving monopolization,

MICHAEL D. HAUSFELD

tie-ins, exclusive dealings and price fixing. He was a member of the ABA Antitrust Section's Transition Taskforce, which advised the incoming Obama Administration. Michael is or has been co-lead counsel in antitrust cases against manufacturers of genetically engineered foods, managed healthcare companies, bulk vitamin manufacturers, technology companies and international industrial cartels. He is involved in ongoing investigations of antitrust cases abroad and pioneering efforts to enforce competition laws globally. He was the only private lawyer permitted to attend and represent the interests of consumers worldwide in the 2003 closed hearings by the EU Commission in the Microsoft case.

Michael has been featured in many articles and surveys. The *National Law Journal* has recognized him as one of the "Top 100 Influential Lawyers in America" and the *Legal Times* named Michael among the top 30 "Visionaries" in the Washington legal community in 2008. *The New York Times* referred to Michael as one of the nation's "most prominent antitrust lawyers," and in 2009 the *Washingtonian* named him one of thirty "Stars of the Bar." Most recently, the *Global Competition Review* stated that Hausfeld "is clearly recognized as one of the best plaintiffs firms in the country." In the past, the magazine has reported that Michael "consistently brings in the biggest judgments in the history of law" and that he is "a Washington lawyer determined to change the world — and succeeding." Michael is one of thirty negotiators profiled in *Done Deal: Insights from Interviews with the World's Best Negotiators*, by Michael Benoliel, Ed.D. He has also been described by one of the country's leading civil rights columnists as an "extremely penetrating lawyer" and by a colleague (in a *Washington Post* article) as a lawyer who "has a very inventive mind when it comes to litigation. He thinks of things most lawyers don't because they have originality pounded out of them in law school." For the past five years, *The Legal 500*, which provides comprehensive worldwide coverage on legal services and rankings, selected "mastermind of strategy" and "smart strategic thinker" Michael, as one of the top 10 Leading Lawyers in the U.S. representing plaintiffs in antitrust and cartel matters, stating that the "'incredibly impressive... Michael Hausfeld and Brian Ratner are highly skilled negotiators and litigators, and real fighters with an outstanding strategic sense,'" and "the outstanding Mike Hausfeld is a titan of the antitrust bar."

EDUCATION

National Law Center George Washington University, J.D., *with honors*, 1969; Member, Order of the Coif

Brooklyn College, B.A. *cum laude*, 1966

EDUCATION

Harvard Law School, J.D., *cum laude*, 2001

State University of New York at Binghamton, B.A., *summa cum laude*, 1998

BAR ADMISSIONS

District of Columbia

New York

MICHAEL D. HAUSFELD

AFFILIATIONS & HONORS

Washington, DC *Super Lawyer*, 2010, 2011, and 2012

American Friends of Hebrew University, Torch Of Learning Award, October 2012

Named by *The Legal 500* as a "Leading Lawyer" in Antitrust, 2011-2015

Co-Chair - ABA Civil Redress Task Force, 2011-2012 and Civil Redress Committee, 2012-2013

Member, Editorial Board - Global Competition Litigation Review, 2011

Member - ABA International Cartel Task Force, 2010

Named by *The Ethisphere Institute* in a short list of "attorneys who matter" in the field of corporate compliance, 2009

Cited in 2009 *Chambers USA*, in the Products Liability category

Named to *SmartCEO* Magazine Legal Elite 2009 List

Named by *Legal Times* among 30 "Visionaries" in the Washington legal community, 2008

Named by *Legal Times* Fierce Sister Award, for work on the Japanese Comfort Women case, 2007

Cited by *GQ magazine* as one of "the 50 Most Powerful People in DC," 2007

Named in *The Lawyer's 2007* "International World-shakers" list of 40 international lawyers "making waves" in the UK

100 Most Influential Lawyers, *The National Law Journal*, 2006

Named repeatedly by *Lawdragon* magazine as one of the 500 leading lawyers in the United States

U.S. Department of Energy Human Spirit Award, presented "in tribute to a person who understands the obligation to seek truth and act on it is not the burden of some, but of all; it is universal."

Plaintiffs Fellow, Litigation Counsel of America

B'Nai Brith Humanitarian of the Year Award, 2002

Simon Wiesenthal Center Award for Distinguished Service

Simon Wiesenthal Center Award for Distinguished Service

Adjunct Professor, George Washington University Law School, 1996-1998

Taught in Georgetown University Law Center, 1980-1987

Member, Board of Editors, *George Washington Law Review* (1968-1969)

NEWS & PRESS

The Toughest Lawyer in America Is On Your Side, Neal Gabler, *Playboy Magazine*, February 2015.

Gangster Bankers - Too Big to Jail, Matt Taibbi, *Rolling Stone Magazine*, February 2013

UBS Mea Culpa May Give Libor Antitrust Plaintiffs Upper Hand, Max Stendahl, *Law360*, December 2012

MICHAEL D. HAUSFELD

DOJ Heralds 'Robust' UBS Deal; Gibson Dunn on Defense, Mike Scarcella, *The AmLaw Litigation Daily*, December 2012

Documents May Boost Civil Suits - Revelations That Rate-Rigging Succeeded Could Prove Expensive to Banks Facing Litigation, Dana Cimilluca and Jean Eaglesham, *Wall Street Journal*, December 2012

Banks Facing New Wave of Mortgage Lawsuits, Forrest Jones, *Moneynews*, December 2012

Where There's a Will, There's a Way, *The American Lawyer*, March 2012

The Great Gamble, *Global Competition Review*, March 2012

The US Plaintiffs' Bar, *Global Competition Review*, March 2012

Bloomberg Interviews Hausfeld on NCAA and Student Athlete Compensation, October 2011

Washingtonian magazine names Mr. Hausfeld one of thirty "Stars of the Bar." December, 2009.

Bloomberg quotes Hausfeld on muni derivatives investigation. November 2009.

Business Week: Europe Inc. takes aim at price-fixers. October 2009.

Reuters: Hausfeld LLP filing suit on behalf of Baltimore and Mississippi municipalities. October 2009.

New York Times: NCAA Sued Over Licensing Practices. July 21, 2009

Associated Press: NY Judge Rules in Favor of 1970s Apartheid Victims. April 8, 2009

PUBLICATIONS

"The Business of American Courts in *Kiobel v. Royal Dutch Petroleum*." By Michael Hausfeld and Kristen Ward. *Jurist* - Sidebar, October 2012.

"Prosecuting Class Actions and Group Litigation." By Michael Hausfeld and Brian Ratner, et al., *World Class Actions*, Ch. 26., September 2012

"Private Enforcement of Antitrust Law in the United States, A Handbook - Chapter 4: Initiation of a Private Claim." By Michael Hausfeld and Brent Landau, et al., 2012

"The Importance of Private Competition Enforcement in Europe." Michael D. Hausfeld and Swathi Bojedla. *Hackney Publications: Concussion Litigation Reporter*, Vol. 1, No. 1, July 2012

"CAT-astrophe: The Failure of "Follow-On" Actions." Michael D. Hausfeld, Brent W. Landau, Sathya S. Gosselin. American Bar Association's International Cartel Workshop, February 2012

"The Novelty of *Wal-Mart v. Dukes*." Brian A. Ratner and Sathya S. Gosselin. Business Torts & RICO News, American Bar Association, Business Torts & Civil RICO Committee, Vol. 8, Issue 1, Fall 2011.

"Private Enforcement in Competition Law: An Overview of Developments in Law and Practice in the US and Europe." Michael D. Hausfeld and Ingrid Gubbay, Bergamo University, July 2011

"The Contingency Phobia - Fear Without Foundation," *Global Competition Litigation Review*, Issue 1, January 2011

"Initiation of a Private Claim," International Handbook on Private Enforcement, 2010

MICHAEL D. HAUSFELD

"Competition Law Claims – A Developing Story." *The European Antitrust Review* 2010.

"The United States Heightens Plaintiff's Burden of Proof on Class Certification: A Response." *Global Competition Litigation Review*, Volume 2 Issue 4/2009.

"Global Enforcement of Anticompetitive Conduct." *The Sedona Conference Journal*, Fall 2009.

"Observations from the Field: ACPERA's First Five Years." *The Sedona Conference Journal*, Fall 2009.

"Twombly, Iqbal and the Prisoner's Pleading Dilemma." *Law360*, October 22, 2009.

"The Value of ACPERA." *Law360*, June 2, 2009.

"Collective Redress for Competition Law Claimants." *The European Antitrust Review* 2008.

"Managing Multi-district Litigation." *The Antitrust Review of the Americas* 2008.

"A Victim's Culture." *European Business Law Review*, 2007.



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Jeannine M. Kenney is an associate in Hausfeld's Washington D.C. office, licensed in both Pennsylvania and the District of Columbia.

Jeannine's practice focuses primarily on private enforcement of federal and state antitrust laws. She was named a Rising Star in antitrust litigation in 2015 and 2016, an honor awarded to fewer than five percent of practitioners in the state.

Representative antitrust matters include:

- *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, 13-cv-7789 (S.D.N.Y.), alleging a conspiracy among leading financial institutions to manipulate the foreign exchange market, in which Hausfeld serves as co-lead interim counsel and has obtained more than \$2 billion in settlements to date.
- *In re Generic Digoxin and Doxycycline Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.) representing a class of end-payers alleging generic drug manufacturers and marketers conspired to unlawfully inflate the price of critical medications.
- *In re Domestic Airline Travel Antitrust Litig.*, No. 15-mc-1404 (D.D.C.) alleging major airlines conspired to reduce capacity to artificially inflate the price of domestic air travel, in which Hausfeld serves as interim co-lead counsel.
- *In re Blue Cross Blue Shield Antitrust Litig.*, No. 13-mdl-2496 (N.D. Ala.), representing subscribers alleging dozens of Blue Cross Blue Shield entities entered into an unlawful agreement not to compete, in which Hausfeld serves as co-lead counsel and discovery chair; Jeannine works primarily on e-discovery in the matter.
- *In re Processed Egg Products Antitrust Litig.*, No. 08-md-2002 (E.D. Pa.), representing egg purchasers alleging egg producers and distributors entered into an unlawful agreement to restrict egg supplies, in which Hausfeld serves as co-lead counsel and has obtained nearly \$60 million in settlements to date, secured class certification of a shell egg class, and obtained summary judgment that eliminated a primary affirmative defense.

JEANNINE M. KENNEY

- *In re Fresh and Process Potatoes Antitrust Litig.*, No. 10-MD-2186 (D. Idaho), which alleged more than 24 potato growers, distributors, and processor defendants entered into an unlawful agreement to restrict potato supplies to inflate the price. Hausfeld chaired the 10-member Plaintiffs' Executive Committee and secured a ground-breaking ruling on a novel question of law undermining a key defense in the case, ultimately obtaining a global settlement of nearly \$20 million and significant injunctive relief. Jeannine managed the 20-plus defendant case from discovery through resolution, including all e-discovery matters.

Jeannine's practice also includes mass torts and other non-antitrust matters. She served as court-appointed Plaintiffs' Liaison Counsel in *In re National Football League Players' Concussion Injury Litigation*, MDL 2323 (E.D. Pa.) and represented hundreds of former NFL players suffering from long-term or permanent neurological or cognitive impairments as a result of head injuries during NFL play and who alleged the League hid from them the serious risks of head trauma. She also represents a putative class of former college athletes in *McCants v. National Collegiate Athletic Association, et al.*, No. 15-cv-176 (M.D.N.C.) who allege the University of North Carolina offered them fraudulent classes and, for decades, concealed that fraud.

Jeannine is adept and experienced in managing all aspects and phases of e-discovery, the complex process of discovering and producing electronically stored information (ESI). She routinely navigates detailed, complex and contentious ESI issues from dispute to resolution, including briefing and arguing e-discovery motions when necessary. A member of the Sedona Conference's Working Group on Electronic Document Retention and Production, Jeannine counsels Hausfeld's litigation teams in negotiations relating to preservation, search, and production of ESI in cases often involving dozens of defendants, negotiates ESI search terms, technology assisted review (predictive coding) methodologies, and database disclosures and productions, and manages complex document reviews using advanced review analytics to speed discovery. She educates other practitioners on e-discovery realities, serving as a faculty coach to participants in Georgetown University's intensive eDiscovery Training Academy, and speaking at conferences regarding the complexities and ethical quandaries involved in the search for and production of ESI and the importance of cooperation among the parties. She co-authored a chapter on technology assisted review—advanced methodologies used to more effectively and efficiently locate responsive ESI—to appear in the American Bar Association's upcoming publication, *Perspectives on Predictive Coding*.

Jeannine joined the firm in 2009. From 2010 to 2011, she clerked for the Honorable Cynthia M. Rufe, United States District Court Judge, Eastern District of Pennsylvania. While attending the Georgetown University Law Center, from which she graduated *magna cum laude*, Jeannine was a member of the *Georgetown Law Journal* and a member of Georgetown's highly regarded Appellate Litigation Clinic, in which she received the International Academy of Trial Lawyers' Student Advocacy Award for her work on *Lytes v. DC Water and Sewer Authority*, No. 08-7002 (D.C. Cir. 2009), which she argued as amicus curiae before the United States Court of Appeals for the District of Columbia.

Jeannine brings to her legal work nearly two decades of experience in public policy spanning a wide range of legislative and regulatory fields, including agriculture, food safety, telecommunications, and financial services, among others, advocating for the public interest and consumers. For nearly five years, she worked as a legislative assistant for two United

JEANNINE M. KENNEY

States Senators. As a Senior Policy Analyst for Consumers Union, publisher of *Consumer Reports*, she advocated for consumer interests before Congress and federal agencies, testifying before congressional committees, appearing as a speaker at Federal Trade Commission events, and presenting oral and written testimony to federal regulatory agencies. She has been widely quoted in print media, including the *Washington Post*, the *New York Times*, and *USA Today*, and has appeared on national cable and broadcast programs on consumer issues ranging from anticompetitive mergers, unfair consumer services contracts, consumer access to competitive and affordable telecommunications services, and financial privacy. Jeannine also served as an appointed member of two federal advisory committees related to pesticide safety. Between stints at Consumers Union, she served as the Vice President of Domestic Affairs for the National Cooperative Business Association, representing member-owned consumer, producer, and purchasing cooperatives.

EDUCATION

Georgetown University Law Center J.D. (*magna cum laude*, Order of the Coif)

University of Wisconsin-Madison, B.A., Political Science and Economics (with distinction)

BAR ADMISSIONS

The Commonwealth of Pennsylvania

The District of Columbia

The District Court for the Eastern District of Pennsylvania

The District Court for the District of Columbia

AFFILIATIONS AND HONORS

Super Lawyer Rising Star, Antitrust, Pennsylvania, 2015, 2016

Georgetown Law Journal, staff member and editor of the Journal's 2009 *Annual Review of Criminal Procedure*, 2007-2009

Recipient of the International Academy of Trial Lawyers Student Advocacy Award

PRESENTATIONS & SPEECHES

Panelist, Game On: Ethics & eDiscovery (upcoming Nov. 2016)

Agriculture & Food Litigation Roundup: Updates and Perspectives on Active Antitrust Cases in the Agriculture and Food Sectors, American Bar Association (2015, and upcoming Oct. 2016)

Presenter, Coaches Corner, Georgetown University Law Center eDiscovery Training Academy, 2016

Faculty Coach, Georgetown University Law Center eDiscovery Training Academy, 2015, 2016

Panelist, Essential Checklist for E-Discovery, D.C. Bar CLE Program, May 2015

Speaker, "So How Exactly is Plaintiffs' Side E-Discovery Practice Different?," D.C. Bar E-Discovery Committee Meeting, Jan. 2015

Panelist, ESI Discovery, NCLC Consumer Class Action Symposium, 2013

JEANNINE M. KENNEY

PUBLICATIONS

Jeannine Kenney, *Courts determine that non-cash consideration is subject to antitrust scrutiny under Actavis*, Oct. 2015, Lexology.

Jeannine Kenney & Kristen Ward Broz, *Supreme Court to Hear Appeal on Antitrust Liability and Trade Association Membership*, Aug. 2016, Lexology.

William P. Butterfield, Conor R. Crowley & Jeannine Kenney, *Reality Bites: Why [Technology Assisted Review's] Promises Have Yet to be Fulfilled*, International Conference on Artificial Intelligence & Law, Discovery of Electronically Stored Information Workshop, Presented June 14, 2013, <http://www.umiacs.umd.edu/~oard/desi5/additional/Butterfield.pdf>



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Swathi's career has spanned a wide range of practice areas at Hausfeld, focusing most notably on the Sports & Entertainment, Antitrust, Consumer Protection, and Mass Torts practice areas. From initial case investigations through trial, she has represented the firm's clients in all aspects of litigation. Her work has encompassed some of the highest-profile class action sports and antitrust cases in recent years, and she has been involved in the recovery of over \$500 million in settlement awards on behalf of the firm's clients.

Swathi was initially drawn to Hausfeld's leadership in cutting edge litigation that advances the public interest and promotes a level playing field. As an avid sports fan, she has relished the opportunity to represent current and former athletes as they seek fair treatment for the dedication they put into the game. In *Dryer et al. v. National Football League*, she represented a class of retired NFL players whose names, images, and likenesses were being used in NFL Films features. She was involved in negotiating a \$50 million settlement agreement, which created a Greater Good Fund to provide health and welfare programs to former NFL players and also established a licensing agency, in partnership with IMG, to help former players market their names, images, and likenesses. She continues to advise the Court-appointed Board of Directors on implementation of the settlement agreement. In *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*, Swathi represented a class action on behalf of current and former Division I men's basketball and FBS football players against the NCAA and its member institutions based on rules foreclosing athletes from receiving compensation for the use of their names, images, and likenesses. In 2014, plaintiffs completed a three-week bench trial in which Swathi was part of a trial team that successfully obtained class injunctive relief allowing college athletes to receive compensation for their NIL rights, a landmark victory for college athletes. She has also litigated against the United States Olympic Committee and USA Track & Field to open up the market for sponsorship of athletes. For her work on these and other cases, Swathi was named a Rising Star Under 40 in Sports by Law360 in 2016.

Outside of the sports realm, Swathi has litigated a variety of other cases across the legal spectrum, securing favorable results for her clients. In *In re Municipal Derivatives Litigation*, Swathi worked as part of a team that secured nearly \$250 million in settlements for a class of municipalities affected by alleged bid-rigging in the market for municipal bonds. And in

SWATHI BOJEDLA

In re Air Cargo Shipping Services Antitrust Litigation, Swathi joined the trial team to prepare for trial against the final four defendants in a worldwide conspiracy to fix fuel surcharge on air cargo; her work assisted in driving settlements with the final defendants totaling nearly \$200 million. In 2016, she was recognized for her work in both cases at the American Antitrust Institute Enforcement Awards, where she won two of the three awards for Outstanding Antitrust Litigation Achievement in Private Law Practice.

Swathi has also represented numerous financial institutions across the country who have suffered damages as a result of data breaches at retailers including Target, Home Depot, Kmart, and Wendy's. Through her work on these cases, she has developed an expertise in data breach law and card brand recovery processes, and has helped to design and implement unique settlement frameworks in this developing area of law. And in 2013, Swathi participated in a mass tort action arising from the placement of unnecessary stents in patients at a Baltimore-area hospital, which culminated in a month-long jury trial in Maryland state court and a global resolution compensating over 240 affected patients.

Prior to her arrival at Hausfeld, Swathi spent time at Georgetown Law's Institute for Public Representation, a civil rights clinic, where she worked on Title VII litigation in the D.C. District Court. She has maintained this interest at Hausfeld, where she represented several female employees alleging sexual harassment against their former supervisor and employer, a San Francisco venture capitalist firm. She has also worked on several presidential campaigns and in the U.S. Senate, both for then-Senator Hillary Rodham Clinton and as a law clerk to the U.S. Senate Judiciary Committee.

Swathi attended law school at Georgetown University, where she was Managing Editor for the *Georgetown Journal of Law and Public Policy*. Prior to Georgetown, she graduated from Brown University with a B.A. in Human Biology and Public Policy. She remains actively involved in the Brown University alumni community, serving as a member of the Women's Leadership Council as well as the D.C. Area Co-Chair for the school's admissions interviewing program. Swathi also currently sits on the Board of Directors for the D.C. non-profit Changing Perceptions, which focuses on providing professional and personal support to formerly incarcerated citizens.

EDUCATION

Georgetown University Law Center, J.D., 2011

Brown University, B.A., Human Biology & Public Policy, 2007

BAR ADMISSIONS

New York

Washington, D.C.

District Court for the District of Columbia

District Court for the Southern District of New York

AFFILIATIONS & HONORS

Brown University Women's Leadership Council, Member (2016-present)

Changing Perceptions, Board of Directors (2016-present)

Brown University Alumni Interviewing Program, Washington, D.C. Chair (2012-present)

Managing Editor, *Georgetown Journal of Law and Public Policy* (2010-2011)

Clerk, U.S. Senate Judiciary Committee

SWATHI BOJEDLA**NEWS & PRESS**

"Rising Star: Hausfeld's Swathi Bojedla", *Law360* (Apr. 27, 2016)

"Minority Business Leader Awards: Swathi Bojedla," *Washington Business Journal* (Feb. 26, 2016)

PUBLICATIONS

Consumers Strike Out: Time Warner Cable Defeats Challenge to Rate Hikes for Unwanted Sports Content, Trade, Sports & Professional Associations Newsletter (Spring 2015)

Swathi Bojedla, *Is Major League Baseball's Antitrust Exemption in Jeopardy?*, ABA Antitrust Section Media & Technology E-Bulletin, Vol. 1, Iss. 3 (2013)

Michael Hausfeld and Swathi Bojedla, *The NFLPA's Potential Legal Liability to Former Players for Traumatic Brain Injury*, Concussions Litigation Reporter, Vol. 1, No. 1 (2012)

PRESENTATIONS & SPEECHES

Inside O'Bannon v. NCAA, Legal Talk Network podcast (Oct. 21, 2015)

Preparing for an Antitrust Trial as an Associate, ABA Section of Antitrust Law (Aug. 24, 2015)

The Sports Report: Sports, Consumer Protection and Antitrust - What's Hot in 2015!, ABA Trade, Sports and Professional Associations (June 16, 2015)

AWARDS

Outstanding Antitrust Litigation Achievement in Private Law Practice (*In re Municipal Derivatives Antitrust Litigation*), American Antitrust Institute (2016)

Rising Stars Under 40 Award for Sports Law, *Law360* (2016)

Minority Business Leaders Award, *Washington Business Journal* (2016)

Rising Star, *SuperLawyers* (2016)

Outstanding Antitrust Litigation Achievement in Private Law Practice (*O'Bannon v. NCAA*), American Antitrust Institute (2015)

Litigation of the Year - Non-Cartel Prosecution (*O'Bannon v. NCAA*), *Global Competition Review* (2015)